

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

CHRISTOPHER L. JETHROE,)	
)	
Petitioner,)	
)	
v.)	Case No. 3:18-CV-357-JD-MGG
)	
WARDEN,)	
)	
Respondent.)	

OPINION AND ORDER

Christopher L. Jethroe, a prisoner without a lawyer, filed a habeas corpus petition challenging his prison disciplinary hearing in STP 17-12-239 where a Disciplinary Hearing Officer (DHO) at the Heritage Trails Correctional Facility found him guilty of unauthorized use or possession of an electronic device in violation of B-207 on January 17, 2018. ECF 2 at 1, ECF 8 at 4. As a result, Jethroe was sanctioned with the loss of 90 days earned credit time. *Id.*

After Jethroe filed his petition, the finding of guilt and sanctions were vacated. ECF 8 at 5. The Warden has filed a motion to dismiss because this case is now moot. ECF 8. Jethroe did not file a response and the time for doing so has passed. *See* N.D. Ind. L.R. 7-1(d)(2)(A). Regardless, the court cannot overturn the disciplinary proceeding and restore his time because the Indiana Department of Correction has already vacated the proceeding and restored his time. That is to say, Jethroe has already won and there is no case left for this court to decide. Accordingly, this case must be dismissed. *See Hadley v. Holmes*, 341 F.3d 661, 664 (7th Cir. 2003) (prisoner can

challenge prison disciplinary determination in habeas proceeding only when it resulted in a sanction that lengthened the duration of his confinement).

For these reasons, the motion (ECF 8) is GRANTED and the case is DISMISSED.
The clerk is DIRECTED to close this case.

SO ORDERED on September 27, 2018

/s/ JON E. DEGUILIO
JUDGE
UNITED STATES DISTRICT COURT